DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group 1, claims 1-13, and 66-73 in the reply filed on 02/17/2010 is acknowledged.

Drawings

The drawings are objected to because **the sectional views are not labeled appropriately according to 37 CFR 1.84(h)(3).** Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: The specification should include headings for the appropriate sections as described in CFR 37 § 1.77. .

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13, 66-73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the claim is written in a generally narrative form and it is unclear what is being positively recited in the claim and what are merely functional limitations. For example, the claim includes the limitations "the sleeve has a peripheral section which, when the sleeve is placed on the projection of the housing, engages around the projection of the housing". Since this limitation includes the conditional statement "when the sleeve is placed on the projection of the housing" it is unclear whether applicant is trying to the claim the device in an assembled state or as an intermediate product which hasn't been assembled yet. Perhaps removal of the

conditional statements and rewriting the claim to more actively and positively recite the final structure of the apparatus would clarify the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 9, 10, 66-70 are rejected under 35 U.S.C. 102(b) as being anticipated by Hong (USP 5954399).

Regarding claim 1, Hong discloses a similar adjusting device (fig.4) comprising with a housing (fig.4, 300), with a first threaded part (fig.4, 331), [which is guided in the housing such as to be torsionally resistant and axially movable, and which is to be coupled to the Bowden cable arrangement], and with a second threaded part (fig.4, 320), which is arranged in an axially resistant and rotatable manner in the housing and is in threaded engagement with the first threaded part, whereby the housing has a projection (see axial end of housing where cable 361 would enter) with an opening (fig.4, top opening of housing) and whereby a sleeve (fig.4, sleeve on the end of sheath 350) is provided for, which has an opening (fig.4, opening on sleeve into which 350 enters) [for accommodating a sheath of the Bowden cable arrangement], whereby the sleeve has a passage hole (fig.4, passage hole through which 360 passes), through [which a wire of the Bowden cable arrangement can be guided to couple with the first

threaded part by guiding the wire through the opening of the projection of the housing], and whereby the sleeve has a peripheral section (see fig.4, the peripheral section) which, [when the sleeve is placed on the projection of the housing, engages around the projection of the housing] (the sleeve as shown in fig.6, is capable of engaging around at least parts of the projection of the housing).

Regarding the functional recitation(s) in the claim(s) above denoted by the "[ ]" the examiner notes while features of an apparatus may be recited either structurally or functionally, claims directed to >an< apparatus must be distinguished from the prior art in terms of structure rather than function. The reference discloses all the claimed structural limitations and therefore anticipates the claim. See MPEP 2114. Additionally, the apparatus is capable of performing the claimed functions.

Regarding claim 2, Hong discloses the opening provided to accommodate the sheath of the Bowden cable arrangement is formed at one longitudinal end of the sleeve and the peripheral section at another longitudinal end of the sleeve (see fig.4 and fig.6, the sleeve has such an arrangement).

Regarding claim 3, Hong discloses the sleeve has a stop surface (The sleeve inherently has a stop surface since only the cable 360 exits it) for the sheath of the Bowden cable arrangement.

Regarding claim 4, Hong discloses the stop surface for the sheath of the Bowden cable arrangement has the passage hole (The stop surface must inherently have a passage hole otherwise the wire of the Bowden cable would not exit the sleeve) for the wire of the Bowden cable arrangement.

Regarding claim 9, Hong discloses the projection of the housing and the peripheral section of the sleeve have an essentially circular cross-section (see fig.4 and fig.6; they have a circular cross-section).

Regarding claim 10, Hong discloses the sleeve is designed to be rotationally symmetrical in relation to its longitudinal axis (the sleeve is symmetrical about the longitudinal axis).

Regarding claim 66, Hong discloses the first threaded part is a threaded spindle with an outer thread (see fig.4) and the second threaded part is a hollow cylinder in form, with an inner thread (fig.4, 320 is hollow and has inner threads) which is in threaded engagement with the outer thread of the threaded spindle.

Regarding claim 67, Hong discloses the second threaded part, in the form of a hollow cylinder, is formed by two half-shell elements (see fig.4), whereby threaded part sections of the inner thread of the second threaded part are formed on inner walls of the half-shell elements (seen in fig.4).

Regarding claim 68, Hong discloses the two half-shell elements are held in an axially secure manner in the housing by projections (fig.4, 321) which project from outer sides of the half-shell elements.

Regarding claim 69, Hong discloses the housing and the first threaded part in each case have an opening formed in a corresponding side wall (see fig.4, the opening 332 and the opening into which 361 enters) and an axial opening (see fig.4, they both have axial openings) formed on a corresponding longitudinal end, which are connected via a slot (fig.4, both members have a corresponding slot connecting their openings)

formed in the corresponding side wall with the opening formed in the corresponding side wall.

Regarding claim 70, Hong discloses the second threaded part [can be connected to an actuating element for rotating the second threaded part in the housing] (the second threaded part is capable of being connected to an actuating element).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 71-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hong (USP 5954399).

Regarding claims 71, 72 and 73,Hong discloses the claimed invention except for the housing is made of a polyamide plastic; the first threaded part is made of a polybutylene terephthalate plastic; and the second threaded part is made of a polyoxymethylene plastic. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to choose the materials of the device such that the housing is made of a polyamide plastic; the first threaded part is made of a polybutylene terephthalate plastic; and the second threaded part is made of a polyoxymethylene plastic, since it has been held to be within the general skill of a

worker in the art to select a known material on the basis of its suitablility for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Claims 5-8, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hong (USP 5954399) in view of Yoji et al. (JP2000-179532).

Regarding claims 5 and 6, Hong fails to explicitly disclose the stop surface for the sheath of the Bowden cable arrangement runs essentially perpendicular to the longitudinal axis of the sleeve and the stop surface for the sheath of the Bowden cable arrangement is formed by a projection (35), which projects into the peripheral section (33) in such a way that, when the sleeve (30) is placed on the projection (16) of the housing (10), the projection (35) of the sleeve (30) projects into the opening (13) of the projection of the housing.

Yoji et al. teaches the use of a sleeve (fig.5, 10) which includes a stop surface (fig.5, surface which contacts the sheath 1a) where the stop surface for the sheath of the Bowden cable arrangement runs essentially perpendicular to the longitudinal axis of the sleeve (see fig.5) and the stop surface for the sheath of the Bowden cable arrangement is formed by a projection (fig.5, the projection 12a), which projects into a peripheral section (fig.5, 10b) in such a way that, when the sleeve is placed on a projection (fig.5, part of housing that projects axially into the sleeve) of the housing, the projection of the sleeve projects into the opening of the projection of the housing. Yoji et al. teaches the use of this sleeve for providing the predictable result of securely

fastening the end section of the bowden cable to the housing in a reliable and safe manner.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have substituted the sleeve used by Hong for the sleeve as taught by Yoji et al. for providing the predictable result of securely fastening the end section of the bowden cable to the housing in a reliable and safe manner.

Regarding claim 7, Hong in view of Yoji et al. discloses the projection of the housing, [when the sleeve is placed in position], is held in positive fit in an indentation (fig.5, the indentation between the peripheral section and the projection) formed between the peripheral section and the projection of the sleeve (the projection of the housing is capable of being positively fit in the indentation).

Regarding claim 8, Yoji et al. discloses the projection of the sleeve has an essentially circular cross-section (In order to fit in the circular axial hole it would have to have the corresponding circular cross section).

Regarding claim 12, Hong discloses in a side wall of the housing a further opening (fig.4, circular opening through which 361 enters) is formed, which is connected with the opening in the projection of the housing via a slot (fig.4, see the slot interconnecting both openings).

Hong fails to explicitly disclose the peripheral section (33) of the sleeve (30) is designed in such a way that, when the sleeve (30) is placed on the projection (16) of the housing (10), deformation of the slot (15) of the housing (10) and of the opening (13)

formed in the projection (16) of the housing (10) is avoided when the adjustment device is actuated.

Yoji et al. teaches the use of a sleeve (fig.5, 10) which includes a peripheral section (fig.5, 10b) of the sleeve is designed in such a way that, [when the sleeve is placed on the projection (fig.5, part of housing 1 that protrudes axially into the sleeve) of the housing, deformation of the opening (fig.5, axial opening) formed in the projection of the housing is avoided when the adjustment device is actuated]. Yoji et al. teaches the use of this sleeve for providing the predictable result of securely fastening the end section of the bowden cable to the housing in a reliable and safe manner which protects the end piece of the housing and cable.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have substituted the sleeve used by Hong for the sleeve as taught by Yoji et al. for providing the predictable result of securely fastening the end section of the bowden cable to the housing in a reliable and safe manner which protects the end piece of the housing and cable. As a result of the combination, the sleeve as taught by Yoji et al. would be capable of protecting the slot and axial opening of Hong to avoid deformations since it would cover them.

Regarding claim 13, Hong fails to explicitly disclose the opening (32) provided in order to accommodate the sheath of the Bowden cable arrangement is formed in a closed circumferential edge of an accommodation section (31) of the sleeve (30).

Yoji et al. teaches the use of a sleeve (fig.5, 10) in which an opening (fig.5, opening for 1a) provided in order to accommodate the sheath of the Bowden cable

arrangement is formed in a closed circumferential edge of an accommodation section (see fig.5, this is the section where the sleeve is accommodated to the housing) of the sleeve. Yoji et al. teaches the use of this sleeve for providing the predictable result of securely fastening the end section of the bowden cable to the housing in a reliable and safe manner which protects the end piece of the housing and cable.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have substituted the sleeve used by Hong for the sleeve as taught by Yoji et al. for providing the predictable result of securely fastening the end section of the bowden cable to the housing in a reliable and safe manner which protects the end piece of the housing and cable.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hong (USP 5954399) in view of Lim (USP 6405613).

Regarding claim 11, Hong fails to explicitly disclose ribs (37) are formed in the opening (32) of the sleeve (30).

Lim teaches the use of ribs (fig.12, 98) formed in an opening (fig.8, 96) in a sleeve (fig.12, 42) for the purpose of fixing a member (48) in order to prevent unwanted movement between the corresponding members.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the opening in the sleeve disclosed by Hong, to have ribs as taught by Lim, for the purpose of fixing the corresponding members in order to prevent unwanted movement between the corresponding members. It would clearly have been

within the ordinary skill in the art to include any type of rib or splines within the opening if additional frictional resistance were needed to maintain the sheath within the opening.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS DIAZ whose telephone number is (571)270-5461. The examiner can normally be reached on Monday-Friday 8:30am to 5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas Diaz/
Examiner, Art Unit 3656

/Richard WL Ridley/

Supervisory Patent Examiner, Art Unit 3656